

**SUPREME COURT MINUTES
WEDNESDAY, OCTOBER 22, 2008
SAN FRANCISCO, CALIFORNIA**

S033360**PEOPLE v. WALLACE
(KEONE)**

Rehearing denied

The opinion is modified on the court's own motion.

The petition for rehearing is denied.

Werdegar, J., was absent and did not participate.

S155872 D049895 Fourth Appellate District, Div. 1**SHAPUTIS (RICHARD) ON
H.C.**

Rehearing denied

Werdegar, J., was absent and did not participate.

S033360**PEOPLE v. WALLACE
(KEONE)**

Opinion modified - no change in judgment

S166350 D049331 Fourth Appellate District, Div. 1**BRINKER RESTAURANT
CORPORATION v. S.C.
(HOHMBAUM)**

Petition for review granted (civil case)

Werdegar, J., was absent and did not participate.

Votes: George, C. J., Kennard, Baxter, Chin, Moreno, and Corrigan, JJ.

S155066 A111425 First Appellate District, Div. 1**ALLIANCE PAYMENT
SYSTEMS, INC. v. WALCZER
(LISBETH)**

Dismissed and remanded to Court of Appeal, First Appellate District, Division One

In light of *Edwards v. Arthur Andersen LLP* (2008) 44 Cal.4th 937, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

Werdegar, J., was absent and did not participate.

Votes: George, C. J., Kennard, Baxter, Chin, Moreno, and Corrigan, JJ.

S162896 H030747 Sixth Appellate District**PEOPLE v. BERGARA
(RUDOLFO HOPE)**

Dismissed and remanded to Court of Appeal, Sixth Appellate District

In light of the decision in *People v. Gary W. Cross* (2008) 45 Cal.4th 58, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

Werdegar, J., was absent and did not participate.

Votes: George, C. J., Kennard, Baxter, Chin, Moreno, and Corrigan, JJ.

S101171**MARLOW (JAMES
GREGORY) ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus, filed on October 5, 2001, is denied. All claims are denied on the merits. Claim VII is also procedurally barred on the ground that it was forfeited by petitioner's failure to raise it in the trial court. (*In re Seaton* (2004) 34 Cal.4th 193.)

Werdegar, J., was absent and did not participate.

S101172**MARLOW (JAMES
GREGORY) ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus, filed on October 5, 2001, is denied on the merits. Claim IV is also procedurally barred on the ground that it was forfeited by petitioner's failure to raise it in the trial court. (*In re Seaton* (2004) 34 Cal.4th 193, 200.)

Werdegar, J., was absent and did not participate.

S108267**MARLOW (JAMES
GREGORY) ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus, filed on July 12, 2002, is denied.

Kennard and Moreno, JJ., are of the opinion an order to show cause should be issued.

Werdegar, J., was absent and did not participate.

S116211**TURNER (THADDAEUS
LOUIS) ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for habeas corpus, filed May 22, 2003, is denied on the merits.

Kennard, J., is of the opinion an order to show cause should be issued.

Werdegar, J., was absent and did not participate.

S135024**MARLOW (JAMES
GREGORY) ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus, filed on June 27, 2005, is denied on the merits. It is also procedurally barred as untimely and successive. (*In re Robbins* (1998) 18 Cal.4th 770, 780-781, 788, fn. 9; *In re Clark* (1993) 5 Cal.4th 750, 763-799.) Except to the extent it alleges ineffective assistance of counsel, it is also forfeited for failure to raise the issue at trial. (*In re Seaton* (2004) 34 Cal.4th 193, 200.)

Werdegar, J., was absent and did not participate.

S165539 A118327 First Appellate District, Div. 2**URBAN HABITAT
PROGRAM v. CITY OF
PLEASANTON**

Petition for review denied

Werdegar, J., was absent and did not participate.

S165569 B198036 Second Appellate District, Div. 2**PEOPLE v. BAKER (KATHY
ANN)**

Petitions for review denied

Werdegar, J., was absent and did not participate.

S165655 E046223 Fourth Appellate District, Div. 2**MARTINEZ (JESUS) ON H.C.**

Petition for review denied without prejudice to filing a petition for writ of habeas corpus in the trial court seeking relief under *In re Lawrence* (2008) 44 Cal.4th 1181.

Werdegar, J., was absent and did not participate.

S165722 H032703 Sixth Appellate District**SHEPPARD (IRVING) ON
H.C.**

Petition for review denied

Werdegar, J., was absent and did not participate.

S165737 E042604 Fourth Appellate District, Div. 2**PEOPLE v. VELASCO
(JESUS)**

Petition for review denied

Werdegar, J., was absent and did not participate.

S165936 E041667 Fourth Appellate District, Div. 2

Petitions for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. DIAZ (JOEY ALFREDO)

S165945 C050642 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. HALL (EUGENE VIRGIL)

S165949 C052954 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. WARREN (KENNY LYNN)

S165957 A116536 First Appellate District, Div. 2

Petition for review & publication request(s) denied

Werdegar, J., was absent and did not participate.

PEOPLE v. WRIGHT (DOMINIQUE)

S165964 B209478 Second Appellate District, Div. 1

Petition for review denied

Werdegar, J., was absent and did not participate.

SAWYERS (CHARLES ALLEN) ON H.C.

S165970 C054889 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. TAPIA (WILLIAM JOSHUA)

S166004 C051139 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. JOHNSON (LILGJAY EDWARD)

S166039 B196024 Second Appellate District, Div. 2

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. PAUL
(EMERSON)**

S166055 D050466 Fourth Appellate District, Div. 1

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. RUBINO
(ROBERT MICHAEL)**

S166067 B198247 Second Appellate District, Div. 3
(MICHAEL

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. DAVIS
WAYNE)**

S166072 B193251 Second Appellate District, Div. 4

Petition for review denied

Werdegar, J., was absent and did not participate.

**WALL STREET NETWORK
LTD. v. NEW YORK TIMES
COMPANY**

S166092 C054762 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. LANE (HENRY
WILLIAM)**

S166169 B198467 Second Appellate District, Div. 6

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. HOWELL
(PHILLIP)**

S166194 A113501 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. MITCHELL
(COREY ALEXANDER)**

Werdegar, J., was absent and did not participate.

S166196 B197919 Second Appellate District, Div. 5

Petitions for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. SMITH (KARL ELLIS)

S166197 C055564 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

RENFROW (LEATHAN) ON H.C.

S166225 B199122 Second Appellate District, Div. 6

Petition for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. ENDACOTT (DREW)

S166236 B200314 Second Appellate District, Div. 4

Petition for review denied

Werdegar, J., was absent and did not participate.

T. (DARIUS), IN RE

S166255 F054379 Fifth Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

R. (ADRIAN), IN RE

S166272 C056488 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. MILLIGAN (TIMOTHY LESLIE)

S166289 B202964 Second Appellate District, Div. 4

Petition for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. WESTIN (BRUCE RANDOLPH)

S166307 B203130 Second Appellate District, Div. 7

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. MARTINEZ
(CRISPIN)**

S166326 A119785 First Appellate District, Div. 4

Petition for review denied

Werdegar, J., was absent and did not participate.

**MARTIN (CHARLES
"ROCKY") v. COUNTY OF
MARIN**

S166327 G038469 Fourth Appellate District, Div. 3

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. GARCIA
(GILBERT)**

S166329 B197750 Second Appellate District, Div. 7

Petition for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. MEDA (JESUS)

S166343 B194345 Second Appellate District, Div. 8

Petition for review & depublication request(s) denied

Werdegar, J., was absent and did not participate.

**CHEN (PO-JEN) v.
INTERINSURANCE
EXCHANGE OF THE
AUTOMOBILE CLUB**

S166371 H032890 Sixth Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

GRAY (WILLIAM) ON H.C.

S166372 F052142 Fifth Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. COGBURN (KYLE
RYAN)**

S166373 E040986 Fourth Appellate District, Div. 2

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. CEDILLO
(DANNY RAY)**

S166390 B199140 Second Appellate District, Div. 3

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. BRALEY
(THOMAS)**

S166417 D051036 Fourth Appellate District, Div. 1

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. HIRUGAMI
(AGUSTIN)**

S166438 B209977 Second Appellate District, Div. 1

Petition for review denied

Werdegar, J., was absent and did not participate.

IBARRA (JUAN) ON H.C.

S166480 B196193 Second Appellate District, Div. 3

**PEOPLE v. SU (RANDY
TSAIYANG)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.

Werdegar, J., was absent and did not participate.

S166513 H032694 Sixth Appellate District

**MARSHALL (DAVID A.) ON
H.C.**

Petition for review denied

Werdegar, J., was absent and did not participate.

S166518 H029772/H029988 Sixth Appellate District

**PELLEGRINI (GEORGE) v.
WEISS (DAVID J.)**

Petition for review denied

Werdegar, J., was absent and did not participate.

S166524 F051779 Fifth Appellate District

Petition for review denied

Werdegarr, J., was absent and did not participate.

**EDWARDS (DAVID J. &
PATRICIA), MARRIAGE OF**

S166541 A122466 First Appellate District, Div. 3

Petition for review denied

Werdegarr, J., was absent and did not participate.

**OWEN (TIM) v. S.C.
(FARNHAM)**

S166546 C059241 Third Appellate District

Petition for review denied

Werdegarr, J., was absent and did not participate.

PORRAS (NEVILLE) ON H.C.

S166547 A117960 First Appellate District, Div. 3

Petition for review & depublication request(s) denied

Werdegarr, J., was absent and did not participate.

**SKOUMBAS (ALEXANDER)
v. CITY OF ORINDA**

S166558 F052566 Fifth Appellate District

Petition for review denied

Werdegarr, J., was absent and did not participate.

**LINGENFELTER (JANICE) v.
WINTER (SUSAN)**

S166593 F055485 Fifth Appellate District

Petition for review denied

Werdegarr, J., was absent and did not participate.

GRANILLO (GARY) ON H.C.

S166623 B198332 Second Appellate District, Div. 8

Petition for review denied

Werdegarr, J., was absent and did not participate.

**PEOPLE v. ROSALES (JESUS
RAMON)**

S166624 B209249 Second Appellate District, Div. 4
Petition for review denied
Werdegarr, J., was absent and did not participate.

TRIBBLE (KEITH) ON H.C.

S166625 G040052 Fourth Appellate District, Div. 3

Petition for review denied
Werdegarr, J., was absent and did not participate.

**PEOPLE v. TOVAR
(GUADALUPE)**

S166626 D051155 Fourth Appellate District, Div. 1

Petition for review denied
The request for judicial notice is denied.
Werdegarr, J., was absent and did not participate.

**HORTON, JR., (WILLIE) v.
COMMISSION ON
PROFESSIONAL
COMPETENCE**

S166641 E042230 Fourth Appellate District, Div. 2

Petition for review denied
Werdegarr, J., was absent and did not participate.

**PEOPLE v. MANNING (GARY
LYNN)**

S166659 B210178 Second Appellate District, Div. 4
Petition for review denied
Werdegarr, J., was absent and did not participate.

STEPHEN (JIMMIE) ON H.C.

S166666 A122455 First Appellate District, Div. 3
Petition for review denied
Werdegarr, J., was absent and did not participate.

FARR (LEONARD) ON H.C.

S166713 C054478 Third Appellate District

Petitions for review denied
Werdegarr, J., was absent and did not participate.

**PEOPLE v. LAVENDER
(JOHNNY)**

S166715 B196976 Second Appellate District, Div. 3

Petitions for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. SOLIS
(SALVADOR)**

S166716 D050837 Fourth Appellate District, Div. 1

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. DAVIS (CHARLES
BERNARD)**

S166718 A122380 First Appellate District, Div. 2

Petition for review denied

Werdegar, J., was absent and did not participate.

**ACUNA (ARCADIO) v. S.C.
(HOREL)**

S166724 A118945 First Appellate District, Div. 1

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. DAVIS (RICHARD
LESLIE)**

S166727 A118484 First Appellate District, Div. 2

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. ROSS (KELVIN
DESHAWN)**

S166744 E043786 Fourth Appellate District, Div. 2

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. DALLAS
(THOMAS AVERY)**

S166748 C054157 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. ENGEL (FRED
PAUL)**

S166750 B210171 Second Appellate District, Div. 3

Petition for review denied

Werdegar, J., was absent and did not participate.

**ESPINOZA (JESUS JESSE)
ON H.C.**

S166753 A114977 First Appellate District, Div. 5

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. REED (ERNEST
ALFONSO)**

S166761 D049932 Fourth Appellate District, Div. 1
P.)

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. DYE (THOMAS
P.)**

S166777

Petition for writ of mandate/prohibition denied

The petition for writ of review/certiorari, or in the alternative, petition for writ of mandate, filed September 17, 2008, is denied.

Werdegar, J., was absent and did not participate.

PEOPLE v. S.C. (GURDIAN)

S166788 G039889 Fourth Appellate District, Div. 3

Petition for review denied

Werdegar, J., was absent and did not participate.

M. (S.), IN RE

S166790 B207193 Second Appellate District, Div. 7

Petition for review denied

Werdegar, J., was absent and did not participate.

R. (DENNY), IN RE

S166791 A122609 First Appellate District, Div. 3

Petition for review denied

Werdegar, J., was absent and did not participate.

Baxter and Corrigan, JJ., were recused and did not participate.

**MOLINA, JR., (FRANCISCO)
v. S.C. (CHEVRON U.S.A.,
INC.)**

S166796 B200637 Second Appellate District, Div. 8 **PEOPLE v. ROBINSON (JOHN)**

Petition for review denied

The motion for permission to file a supplemental brief is denied.

Werdegar, J., was absent and did not participate.

S166801 A122007 First Appellate District, Div. 2 **NICHOLS (JAMES J.) ON H.C.**

Petition for review denied

Werdegar, J., was absent and did not participate.

S166802 H032410 Sixth Appellate District **F. (KARIM), IN RE**
Petition for review denied
Werdegar, J., was absent and did not participate.

S166803 B202081 Second Appellate District, Div. 1 **FERNANDEZ (GIUSEPPE MAURICIO) v. HERTZ CORPORATION**

Petition for review denied

Werdegar, J., was absent and did not participate.

S166804 B195416 Second Appellate District, Div. 1 **D. (WINFRED) v. MICHELIN NORTH AMERICA, INC.**

Petition for review denied

Werdegar, J., was absent and did not participate.

S166814 F053242 Fifth Appellate District **PEOPLE v. CHAMPAGNE (ALVIN)**

Petition for review denied

Werdegar, J., was absent and did not participate.

S166820 E044442 Fourth Appellate District, Div. 2 **PEOPLE v. PAGDILAO (ERIC DAVID)**

Petition for review denied

Werdegar, J., was absent and did not participate.
S166821 C055918 Third Appellate District

Petition for review denied
Werdegar, J., was absent and did not participate.

**PEOPLE v. CAMPBELL
(GEORGE LEE)**

S166827 C056840 Third Appellate District

Petition for review denied
Werdegar, J., was absent and did not participate.

**HUGHES (MICHAEL A.) v.
CALIFORNIA STATE
EMPLOYEES ASSOCIATION**

S166841 G038168 Fourth Appellate District, Div. 3

Petition for review denied
Werdegar, J., was absent and did not participate.

**PEOPLE v. MARIN (RAUL
SALVADOR)**

S166844 A119749 First Appellate District, Div. 3

The petition for review is denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.
Werdegar, J., was absent and did not participate.

**PEOPLE v. HISCOX
(MICHAEL ROBERT)**

S166849 D050283 Fourth Appellate District, Div. 1

Petition for review denied
Werdegar, J., was absent and did not participate.

**PEOPLE v. LANE (DEIDRA
TRINAE)**

S166854

Petition for review denied
Werdegar, J., was absent and did not participate.

**CAMPBELL (LARRY W.) v.
S.C. (LINGAN)**

S166860 E046434 Fourth Appellate District, Div. 2

Petition for review denied

Werdegarr, J., was absent and did not participate.

**MCHASKELL (MYIESHA)
ON H.C.**

S166861 F052276 Fifth Appellate District

Petition for review denied

Werdegarr, J., was absent and did not participate.

**PEOPLE v. RODRIGUEZ
(CHARLIE FRANCO)**

S166863 B210380 Second Appellate District, Div. 8

Petition for review and application for stay denied

Werdegarr, J., was absent and did not participate.

**H. (C.) v. S.C. (DEPARTMENT
OF CHILDREN & FAMILY
SERVICES)**

S166876 C056475 Third Appellate District

Petition for review denied

Werdegarr, J., was absent and did not participate.

**CADLE COMPANY v.
TAYLOR (ALLISON S.)**

S166899 A122645 First Appellate District, Div. 1

Petition for review and application for stay denied

Werdegarr, J., was absent and did not participate.

**FOSTER WHEELER LLC. v.
S.C. (GALASSI)**

S166944

Petition for writ of mandate/prohibition denied

Werdegarr, J., was absent and did not participate.

**SOTELO (LESLIE
ALEJANDRE) v. S.C.
(PEOPLE)**

S167333 F056098 Fifth Appellate District

Petition for review and application for stay denied
Werdegar, J., was absent and did not participate.

**VIVERO (FRANCISCO E.) v.
S.C. (PEOPLE)**

S167402 B210580 Second Appellate District, Div. 2

Petition for review denied
Werdegar, J., was absent and did not participate.

**RUBIO (LUIS) v. S.C.
(PEOPLE)**

S066225

Petition for writ of habeas corpus filed on December 3, 1997, is denied.
Werdegar, J., was absent and did not participate.

**MARLOW (JAMES
GREGORY) ON H.C.**

S069619

The petition for writ of habeas corpus filed on April 20, 1998, is denied.
Werdegar, J., was absent and did not participate.

**MARLOW (JAMES
GREGORY) ON H.C.**

S160567

The petition for writ of habeas corpus denied without prejudice to filing a petition for writ of habeas corpus in the trial court seeking relief under *In re Lawrence* (2008) 44 Cal.4th 1181.
Werdegar, J., was absent and did not participate.

**CANDELARIO (FERNANDO)
ON H.C.**

S162114

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

**ARENAS, JR., (VALENTINO
M.) ON H.C.**

S162200

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

GAYLES (KENYA) ON H.C.

S162460

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

**WARSINGER (DONAL
VANCE) ON H.C.****S162737**

Petition for writ of habeas corpus denied
(See *In re Clark* (1993) 5 Cal.4th 750.)
Werdegar, J., was absent and did not participate.

**HOUSTON (RAYMOND) ON
H.C.****S162762**

Petition for writ of habeas corpus denied
(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)
Werdegar, J., was absent and did not participate.

**PLACENCIA (RICHARD
DEAN) ON H.C.****S162770**

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

**WALKER (RONALD DEAN)
ON H.C.****S163036**

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

**BROWN (ERIC LYNN) ON
H.C.****S163190**

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

**CARDONA (RICHARD) ON
H.C.**

S163209

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**PEREZ (JAVIER GALEANA)
ON H.C.****S163241**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**MAGDALENO (RICHARD)
ON H.C.****S163272**

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)
Werdegarr, J., was absent and did not participate.

**HORSTMAN (JEFFERY
PAUL) ON H.C.****S163296**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

JIMENEZ (BLAS) ON H.C.**S163315**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**RIOS (RENO FUENTES) ON
H.C.****S163342**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**WILLIAMS, JR., (ABE) ON
H.C.****S163353**

The petition for writ of habeas corpus is denied on the merits.
Werdegarr, J., was absent and did not participate.

**WILLIAMS (RANDALL B.)
ON H.C.**

S163362

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**JAMISON (LUTHER G.) ON
H.C.**

S163433

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

WEBB (SAMUEL) ON H.C.

S163548

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)
Werdegarr, J., was absent and did not participate.

JENKINS (LOUIS) ON H.C.

S163565

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**MCKINLEY (ROBERT) ON
H.C.**

S163586

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**FLUKER (CHARLES) ON
H.C.**

S163631

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

BUSBY (FERRARI) ON H.C.

S163706

H.C.
Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

COX III (LUTHER F.) ON

**S163725
MAURICE)**

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)
Werdegar, J., was absent and did not participate.

S163734

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

S163739

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

S163740

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

S163764

Petition for writ of habeas corpus denied
(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Werdegar, J., was absent and did not participate.

S163771

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

S163777

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

WROTEN (KEITH**ON H.C.****JONES (LEE MORRIS) ON
H.C.****VELEZ (RICARDO T.) ON
H.C.****REID (KEVIN) ON H.C.****MILLER (LARRY) ON H.C.****BRIGNAC (LAWRENCE) ON
H.C.****GUYTON (JIMMY) ON H.C.**

S163781

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

ETI (MICHAEL) ON H.C.**S163784**

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

HUFFMAN (LAMONT R.) ON H.C.**S163794**

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

WILLIAMS (TRAMMELL) ON H.C.**S163827**

Petition for writ of habeas corpus denied
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)
Werdegar, J., was absent and did not participate.

NGUYEN (TRI DUNG) ON H.C.**S163838**

Petition for writ of habeas corpus denied
(See *In re Dixon* (1953) 41 Cal.2d 756.)
Werdegar, J., was absent and did not participate.

CONTI (JOHN DAVID) ON H.C.**S163843**

H.C.
Petition for writ of habeas corpus denied
(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Werdegar, J., was absent and did not participate.

DOSS (STEVEN LEA) ON**S163844****HUANG (QIANG) ON H.C.**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

S163855

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

GEORGE (TRAVIS) ON H.C.

S163858

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)
Werdegarr, J., was absent and did not participate.

NATHAN (ERIC L.) ON H.C.

S163860

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

COLEMAN (WESLEY J.) ON H.C.

S163876

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

SCOTT (RAYMOND) ON H.C.

S163909

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Werdegarr, J., was absent and did not participate.

TAYLOR (JESSE H.) ON H.C.

S163911

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

TATE (DION K.) ON H.C.

S163917

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**MONTES (LOUIS RAMON)
ON H.C.**

S164275

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

CRAFT (PATRICK) ON H.C.**S165294**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**MARTIN (LAWRENCE
MAURICE) ON H.C.****S165378**

Petition for writ of habeas corpus denied
(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Werdegarr, J., was absent and did not participate.

**PLACENCIA (RICHARD
DEAN) ON H.C.****S165788**

Petition for writ of habeas corpus denied
(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Werdegarr, J., was absent and did not participate.

**LIRA (RICHARD
SALVADOR) ON H.C.****S166663**

Petition for writ of habeas corpus denied
(See *In re Miller* (1941) 17 Cal.2d 734.)
Werdegarr, J., was absent and did not participate.

**CALLEROS (LORENZO) ON
H.C.****S166729**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**JACKSON (CLINTON LEE)
ON H.C.**

S166794

Petition for writ of habeas corpus denied
(See *In re Dexter* (1979) 25 Cal.3d 921.)
Werdegarr, J., was absent and did not participate.

HOLLIS (DENNIS) ON H.C.**S166825**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

ERB (MICHAEL) ON H.C.**S166884**

Petition for writ of habeas corpus denied
(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)
Werdegarr, J., was absent and did not participate.

**ALBARRAN (MIGUEL
ANGEL) ON H.C.****S166908**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**KURBEGOVICH
(MUHAREM) ON H.C.****S166963**

Petition for writ of habeas corpus denied
(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Lessard* (1965) 62 Cal.2d 497, 503.)
Werdegarr, J., was absent and did not participate.

**MUHUMMED (MANSA
MUSA) ON H.C.****S166976**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**ALVAREZ (MANUEL
ACUNA) ON H.C.****S166977**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

BELL (HORACE) ON H.C.

S167019

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**WILLIS, JR., (LEROY) ON
H.C.**

S167037

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**BAUTISTA (ESTEBAN V.) ON
H.C.**

S167066

Petition for writ of habeas corpus denied
(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)
Werdegarr, J., was absent and did not participate.

**OLSON (STEVEN JOHN) ON
H.C.**

S167083

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**WEAVER (MONA MARIE)
ON H.C.**

S167105

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

RUSS (WILBERT) ON H.C.

S167142

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Werdegarr, J., was absent and did not participate.

**HUNOT (BRIAN
CHRISTOPHER) ON H.C.**

S167146

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**CLARK (RANDALL LEE) ON
H.C.**

S167183

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**BREMNER (CLARK T.) ON
H.C.****S167185**

Petition for writ of habeas corpus denied
(See *In re Clark* (1993) 5 Cal.4th 750.)
Werdegarr, J., was absent and did not participate.

**BREMNER (CLARK T.) ON
H.C.****S167194**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

ODEN (WILBERT J.) ON H.C.**S166042** D051945 Fourth Appellate District, Div. 1

Publication request denied (case closed)
Werdegarr, J., was absent and did not participate.

**SAN DIEGO POLICE
OFFICERS ASSOCIATION v.
GWINN (CASEY)****S166301** B193587 Second Appellate District, Div. 8

Publication request denied (case closed)
Werdegarr, J., was absent and participate.

**FINK (MARVIN) v.
SIGNALIFE, INC.****S166776**

Depublication request denied (case closed)
Petitioner's request, filed September 16, 2007, to depublish the superior court appellate division opinion filed July 25, 2008, in *People v. Cole*, APP-004096, and *People v. Gurdian*, APP-004097, is denied. (Cal. Rules of Court, 8.1125, subd. (c)(1).) The requests to depublish filed by nonparties Los Angeles City Attorney and Tulare County District Attorney, also are denied. (*Ibid.*)
Werdegarr, J., was absent and did not participate.

PEOPLE v. COLE (DUANE)

S024046**PEOPLE v. O'MALLEY
(JAMES FRANCIS)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Nanette Winaker's representation that she anticipates filing the respondent's brief by May 31, 2009, counsel's request for an extension of time in which to file that brief is granted to December 23, 2008. After that date, only three further extensions totaling about 160 additional days are contemplated.

S062259**PEOPLE v. SCULLY
(ROBERT WALTER)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Margot Garey's representation that she anticipates filing the appellant's opening brief by March 2010, counsel's request for an extension of time in which to file that brief is granted to December 22, 2008. After that date, only eight further extensions totaling about 450 additional days are contemplated.

S090499**PEOPLE v. LIVINGSTON
(DAVID JAMES)**

Extension of time granted

Good cause appearing, and based upon counsel Robert Wayne Gehring's representation that he anticipates filing the appellant's opening brief by December 30, 2008, counsel's request for an extension of time in which to file that brief is granted to December 15, 2008. After that date, only one further extension totaling about 15 additional days is contemplated.

S093235**PEOPLE v. JOHNSON
(JERROLD ELWIN)**

Extension of time granted

Good cause appearing, and based upon counsel William D. Farber's representation that he anticipates filing the appellant's opening brief by May 2, 2009, counsel's request for an extension of time in which to file that brief is granted to December 15, 2008. After that date, only three further extensions totaling about 135 additional days are contemplated.

S103087**PEOPLE v. POST (JOHN
LEVAE)**

Extension of time granted

Good cause appearing, and based upon counsel Ralph H. Goldsen's representation that he anticipates filing the appellant's opening brief by March 1, 2009, counsel's request for an extension of time in which to file that brief is granted to December 15, 2008. After that date, only two further extensions totaling about 75 additional days are contemplated.

S110804**PEOPLE v. ACREMANT
(ROBERT JAMES)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to December 19, 2008.

S144019**SMITH, JR., (ROBERT LEE)
ON H.C.**

Extension of time granted

Petitioner's request for relief from default is granted.

Good cause appearing, and based upon counsel Scott F. Kauffman's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by December 15, 2008, counsel's request for an extension of time in which to file that document is granted to December 15, 2008. After that date, no further extension is contemplated.

S161385

B193713 Second Appellate District, Div. 7

**SCHACHTER (DAVID B.) v.
CITIGROUP, INC.**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to December 17, 2008.

S167148

F053705 Fifth Appellate District

**CATLIN (STEVEN D.) v. S.C.
(PEOPLE)**

Extension of time granted

On application of Real Party in Interest and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to October 31, 2008.

S073823**PEOPLE v. BUENROSTRO
(DORA)**

Record augmentation denied

Appellant's Motion to Augment the Certified Record on Appeal, filed on September 26, 2008, is denied as unnecessary. (Cal. Rules of Court, rule 8.610(a)(3); see 6th Supplemental CT 2-157.) Any party who wishes this court to review the exhibits of this case may file a notice pursuant to California Rules of Court, rules 8.224 and 8.634, at the appropriate time. Werdegarr, J., was absent and did not participate.

S062180**PEOPLE v. VALDEZ
(RICHARD)**

Motion to file document under seal granted

Respondent's application, filed on August 6, 2008, to file Arguments 1 and 2 of respondent's brief under seal is granted. (Cal. Rules of Court, rule 8.160.) In ordering the sealing, this court makes the findings required by California Rules of Court, rule 2.550(d). Respondent's counsel is ordered to serve a copy of the document containing the sealed arguments, along with a copy of this order, on appellant's counsel, who is ordered not to publicly disclose the sealed arguments unless and until there is a further order of this court. This order is without prejudice to any subsequent motion that either party may make under California Rules of Court, rule 8.160(f) to unseal the sealed arguments based on a showing that sealing is no longer necessary under California Rules of Court, rule 2.550(d).

Werdegarr, J., was absent and did not participate.

S167193**CASEY (ROYCE ELLIOT) v.
S.C. (PAHLER)**

Order filed

The order filed on October 16, 2008, transferring the matter to the Second Appellate District, Division Six, is hereby amended to reflect the correct spelling of petitioner's name.

S164871**SMITH, JR., ON DISCIPLINE**

Pet/writ of review denied; recommended discipline imposed

The petition for writ of review is denied.

It is ordered that CHARLES E. SMITH, JR., State Bar No. 152034, be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days and until he pays court ordered sanctions in the amount of \$1,250 in *Roberts v. Tang*, Alameda County Superior Court Case No. WG04170338, and furnishes satisfactory proof thereof to the State Bar's Office of Probation. CHARLES E. SMITH, JR., is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed March 25, 2008, as modified by its orders filed on March 28, 2008, and April 17, 2008. If CHARLES E. SMITH, JR., is actually suspended for two years or more, he must remain actually

suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that CHARLES E. SMITH, JR., take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is also ordered that if CHARLES E. SMITH, JR., remains actually suspended for 90 days or more, he must comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of this order. (See Bus. & Prof. Code, § 6126, subd. (c).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Werdegarr, J., was absent and did not participate.

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
DECEMBER 2 and 3, 2008**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on December 2 and 3, 2008.

TUESDAY, DECEMBER 2, 2008—9:00 A.M.

- S151705 Board of Chiropractic Examiners et al. v. The Superior
Court of Sacramento (Carole Arbuckle, Real Party in
Interest)
S150402 Spielbauer (Thomas) v. County of Santa Clara et al.
S052288 People v. Hamilton (Bernard Lee) [Automatic Appeal]

2:00 P.M.

- S136498 People v. Scott (Andre Rene) et al.
S075726 People v. Moore (Charles Edward) [Automatic Appeal]
S073253 People v. Gutierrez (Alfred Anthony) [Automatic Appeal]

WEDNESDAY, DECEMBER 3, 2008—9:00 A.M.

- S153846 Meyer et al. v. Sprint Spectrum L.P.
S155425 In re Gomez (Sotero) on Habeas Corpus
S149890 People v. Galland (Anthony Andrew)

1:30 P.M.

- S152667 People v. Soper (James Daniel)
S058472 People v. Bennett (Eric Wayne) [Automatic Appeal]
S110206 People v. Jackson (Michael Anthony) [Automatic Appeal]

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission.
(See Cal. Rules of Court, rule 8.224(c).)

